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Letter dated 14 July 2004 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I have the honour to comment on the progress report of the Secretary-General on Ethiopia and Eritrea to the Security Council dated 7 July 2004 (S/2004/543).

At the outset, my Government regrets to state that it finds the report replete with factual inaccuracies and unwarranted bias against Eritrea in its judgemental position on some secondary operational issues. More gravely, the report portrays, through indefensible omissions, a distorted picture of the reality on the ground.

The report devotes several pages to driving home what it calls the "deterioration in the relations between the Eritrean authorities and UNMEE in recent months" while the central problem facing the demarcation process is mentioned, in a perfunctory fashion, in two brief paragraphs only. Even then, Ethiopia's unacceptable violation of international law is not recognized for what it portends to regional peace and security. Indeed, it is simply described, in a neutral sense, as a mere "stalement" or "lack of progress in the demarcation of the border". Ethiopia's provocative act of building new settlements in Badme, in flagrant breach of the Algiers Peace Agreements and Security Council resolution 1430 (2002) of 14 August 2002, is likewise glossed over. This is difficult to explain as the violation occurred only last month in the presence of UNMEE personnel who were formally invited by the Ethiopian authorities to witness the event, which prompted Eritrea to protest strongly to UNMEE for appearing to condone an illegal activity. Surely, the United Nations cannot downplay the serious implications of this development.

The United Nations cannot ignore the threat to peace and security posed by Ethiopia's rejection of the Boundary Commission. As Secretary-General Kofi Annan remarked during his recent visit to the region, the UNMEE mandate was expected to wind up successfully in a matter of 18 months when the Security Council originally decided to deploy the peacekeeping force in September 2000. Now, almost four years later, UNMEE remains stranded, at a huge financial cost to the international community and considerable opportunity cost to both countries, with no bright prospect for an early and successful conclusion of its mission. The blame for this state of affairs rests squarely on Ethiopia. Unfortunately, the Secretary-General's report is almost silent on this critical issue.

The misplaced thrust of the report revolves around "the worrisome trend" that has been set in motion by "restrictions and impediments" Eritrea has clamped on UNMEE; "the closure to UNMEE traffic — of the main supply route to its troops in Sector West; continuing detentions — of locally recruited United Nations staff; and

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a recent spate of public statements by senior Eritrean officials attacking the peacekeeping operation".

Certainly, there have been misunderstandings between the Government of Eritrea and UNMEE on some of the operational rules that govern UNMEE activities in the country. But, in spite of these differences, the Government of Eritrea has always seen, and continues to see, UNMEE as invited guests entrusted with the noble task of promoting peace. In this spirit, it has and continues to accord them its hospitality and utmost cooperation. The Government of Eritrea has, at the same time, tried to clarify its position repeatedly on the key issues of disagreement. Although the report does not make any reference to it, the Government of Eritrea has indeed responded to the letter of the Special Representative of the Secretary-General last May, the main contents of which are reproduced below.

1. Eritrea continues to fully respect the unhindered freedom of movement of UNMEE in the Temporary Security Zone as provided for by the Algiers Peace Agreements and the modalities of operation agreed with the United Nations which govern the conduct of the peacekeeping force. Eritrea cannot however accept a unilateral extension of the Temporary Security Zone — which is 25 km deep inside Eritrea — by another stretch of territory termed "adjacent area". Furthermore, Eritrea does not subscribe to the UNMEE interpretation of the Algiers Peace Agreements to imply freedom of random inspection everywhere and anywhere without prior notice and approval of the Government. In areas outside the Temporary Security Zone, UNMEE is required to notify and secure prior approval of the Government of Eritrea for any inspection that it wishes to carry out. Although these are the agreed rules, there has been a litany of irritating incidents in which UNMEE sets up random roadblocks here and there in sovereign Eritrean territories well outside the Zone. The latest such incident happened in the Serejeka area, barely 20 km north of Asmera, where the Force Commander deployed Finnish units to monitor at night "movements" of the Eritrean Defence Forces. These periodic intrusions are not warranted by the ground rules of operation. Furthermore, UNMEE does not carry out similar activities in Ethiopia, if only because it does not have the physical presence to do so. We hardly need to emphasize the need for UNMEE to be, and to appear to be, neutral.

2. The numerous and documented cases where UNMEE personnel have been involved, for one reason or another, in assisting the illegal crossing of the border by nationals cannot be acceptable to Eritrea by any standards.

3. Eritrea expects UNMEE not to exceed its powers and engage in, or initiate, measures that are not within its jurisdiction. The incident that happened at the meeting of the Military Coordination Commission in Nairobi in May 2004, where the Force Commander of UNMEE insisted on redrawing the boundaries of the Temporary Security Zone, is a case in point. We expect UNMEE to handle sensitive matters with the care and responsibility that they require.

I should be grateful if you would kindly circulate this letter as a document of the Security Council.

(*Signed*) Ahmed Tahir **Baduri**
Ambassador
Permanent Representative